REMARKS

This responds to the Office Action mailed on February 8, 2008.

No claims are amended, claims 1-20 and 23-24 are canceled, and no claims are added; as a result, claims 21-22 are now pending in this application.

§103 Rejection of the Claims

Claims 21-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over:

(1) Lindsey et al. (U.S. Patent No. 5,285,383, hereinafter "Lindsey") in view of

(2) Nahan et al. (U.S. Patent No. 5,664,111, hereinafter "Nahan"), in view of

(3) Payne et al. (U.S. Patent No. 5,715,314; hereinafter "Payne") and in view of

(4) Chadima Jr. et al. (U.S. Patent No. 4,604,693; hereinafter "Chadima").

Applicants respectfully traverse this rejection.

Claim 21 relates to a computer network based-system operative to facilitate commerce at an internet-based auction. The computer network based-system according to claim 21 includes, *inter alia*, a computer system executing a computer application program operative to authorizing *a plurality of remote seller participants to post, using a computer application program executing on a computer system associated with the plurality of remote seller participants, a plurality of items for auction at the remote topically arranged internet-based auction system, wherein the remote seller participants are authorized to operate a computer application program to coordinate asynchronous generation and scheduling of automated ascending bid auction instances in the remote topically arranged internet-based auction system while the computer application program is isolated from communication with the remote topically arranged internet-based auction system.*

The Office Action admits that Lindsey does not disclose the asynchronous generation and scheduling of automated ascending bid auction instances whereby remote seller participants are authorized to operate a computer application program to coordinate asynchronous generation and scheduling of automated ascending bid auction instances in the remote arranged internet-based auction system while the computer application program is isolated from communication with the remote topical arranged internet (Office Action; page 7). The Office Action asserts that Chadima discloses this feature (Office Action; page 8). The Office Action further asserts that "it would be

obvious to modify Lindsey to include a time table of the time at which an item would be put up for bid, the motivation being the ability to plan to purchase to get financing, etc. in line before purchasing." (Office Action; page 9).

Initially, Applicants dispute the motivation to combine the references, since there is no suggestion as to the manner of making the combination, and there is no purported motivation for combining the system of Chadima, which relates to a system for regulating a network connection, and the system of Lindsey, which relates to a commodity trading system having a database.. Therefore, Applicants submit that there is no proper motivation for combining the references, and therefore the rejection based on the combination should be withdrawn.

Applicants also disagree that Chadima even provides asynchronous generation and scheduling of automated ascending bid instances, as characterized in the Office Action as the disclosure of Chadima. Chadima relates to a network management system, and resolves conflicts between nodes relating to transmissions. There is no discussion in Chadima of scheduling, or more particularly of scheduling an item up for bid. Specifically, Applicants submit that Chadima does not disclose *a plurality of remote seller participants authorized to operate a computer application program to coordinate asynchronous generation and scheduling of automated ascending bid auction instances while the computer application program is isolated from communication*. Chadima apparently discusses nodes in a network, which are configured to communicate with each other, to receive incoming messages, and to send outgoing messages. The sections cited in the Office Action as relevant to the claimed subject matter discuss the functioning of the system when several nodes attempt to communicate simultaneously. The system for resolving conflicts in Chadima uses the term "bid" as a term for a node requesting control of the network. This type of bid has nothing to do with the trading performed by Lindsey, nor does Chadima relate to the bid auction instances recited in the claims. Chadima does not create a schedule of ascending bid auction instances, but rather merely operates to have the "bidding device with the lowest address ... rebid, while forcing devices with higher addresses to drop out of the bidding". (Chadima; col. 10, ll. 33-34). Applicants submit that the addresses of Chadima are not bid auction instances as claimed, as they are invariant for each node, whereas a participant in the subject matter of the claimed invention can present different bids depending on the items up for auction. Additionally, the function of Chadima to have higher addresses drop out

of an attempt to communicate in an effort to resolve a communication conflict does not disclose a scheduling of automated ascending bid auction instances. Chadima does not schedule any bid auction instances. Applicants accordingly submit, in light of the absence of the alleged disclosures in Chadima, that it would not have been obvious to modify Lindsey to "include a time table of the time at which an item would be put up for bid," as alleged in the Office Action. Therefore, for at least the above reasons, claim 21 is allowable.

Claim 22 depends from claim 21 and is therefore allowable for at least the same reasons as claim 21 is allowable.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 512-628-9324 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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